

not be bound by the opinion of the Office of Legal Counsel.

Stanley W. Smith,
Chair, Architectural and Transportation
Barriers Compliance Board.

[FR Doc. 89-18205 Filed 8-4-89; 8:45 am]

BILLING CODE 6820-BP-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket No. 87-389]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications
Commission.

ACTION: Final rule; correction.

SUMMARY: FCC is correcting errors in the text and regulations contained in the First Report and Order in GEN Docket No. 87-389, as published in the *Federal Register* on April 25, 1989 (54 FR 17710) and in the full text of the decision released April 18, 1989 (FCC 89-103).

EFFECTIVE DATE: June 23, 1989.

ADDRESS: Federal Communications
Commission, 1919 M Street, NW.,
Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:
John A. Reed, Technical Standards
Branch, Office of Engineering and
Technology, (202) 653-7313.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Communications equipment, Imports,
Radio, Reporting and recordkeeping
requirements, Television.

47 CFR Part 15

Communications equipment,
Computer technology, Labeling, Radio,
Reporting and recordkeeping
requirements, Security measures,
Telephone, Wiretapping and electronic
surveillance.

1. In § 2.1043, paragraphs (b) and (b)(3) are republished and paragraphs (b)(1) and (b)(2) are added to read as follows:

§ 2.1043 Changes in certificated equipment.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

2. Section 15.37 is corrected to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

Equipment may be authorized, manufactured and imported under the rules in effect prior to June 23, 1989, in accordance with the following schedules:

(a) *For all intentional and unintentional radiators, except for receivers:* Radio frequency equipment verified by the responsible party or for which an application for a grant of equipment authorization is submitted to the Commission on or after June 23, 1992, shall comply with the regulations specified in this part. Radio frequency equipment that is manufactured or imported on or after June 23, 1994, shall comply with the regulations specified in this part.

(b) *For receivers:* Receivers subject to the regulations in this part that are manufactured or imported on or after June 23, 1999, shall comply with the regulations specified in this part. However, if a receiver is associated with a transmitter that could not have been authorized under the regulations in effect prior to June 23, 1989, e.g., a transmitter operating under the provisions of §§ 15.209 or 15.249 (below 960 MHz), the transition provisions in this section do not apply. Such receivers

must comply with the regulations in this part.

(c) There are no restrictions on the operation or marketing of equipment complying with the regulations in effect prior to June 23, 1989.

3. Section 15.113, paragraph (f), is corrected to read as follows:

§ 15.113 Power line carrier systems.

(f) The provisions of this Section apply only to systems operated by a power utility for general supervision of the power system and do not permit operation on electric lines which connect the distribution substation to the customer or house wiring. Such operation can be conducted under the other provisions of this part.

4. Section 15.115 is corrected by adding the following note at the end of paragraph (b)(3), to read as follows:

§ 15.115 TV interface devices, including cable system terminal devices.

(b) * * *

(3) * * *

Note: Cable-ready video cassette recorders continue to be subject to the provisions for general TV interface devices pending further action by the Commission.

5. Section 15.209, paragraph (a), is corrected to read as follows:

§ 15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Frequency (MHz)	Field strength (microvolts/meter)	Measure- ment distance (meters)
0.009-0.490.....	2400/F(kHz)	300
0.490-1.705.....	24000/F(kHz)	30
1.705-30.0.....	30	30
30-88.....	100 **	3
88-216.....	150 **	3
216-960.....	200 **	3
Above 960.....	500	3

** Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this Section shall not be located in the frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz or 470-806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§ 15.231 and 15.241.

6. Section 15.231, paragraphs (b)(2) and (b)(3), is corrected to read as follows:

§ 15.231 Periodic operation in the band 40.66—40.70 MHz and above 70 MHz.

(b) * * *

(2) Intentional radiators operating under the provisions of this Section shall demonstrate compliance with the limits on the field strength of emissions, as shown in the above table, based on the average value of the measured emissions. As an alternative, compliance with the limits in the above table may be based on the use of measurement instrumentation with a CISPR quasi-peak detector. The specific method of measurement employed shall be specified in the application for equipment authorization. If average emission measurements are employed, the provisions in § 15.35 for averaging pulsed emissions and for limiting peak emissions apply. Further, compliance with the provisions of § 15.205 shall be demonstrated using the measurement instrumentation specified in that section.

(3) The limits on the field strength of the spurious emissions in the above table are based on the fundamental frequency of the intentional radiator. Spurious emissions shall be attenuated to the average (or, alternatively, CISPR quasi-peak) limits shown in this table or to the general limits shown in § 15.209, whichever limit permits a higher field strength.

7. Section 15.233, paragraphs (b), (d) and (e), is corrected to read as follows:

§ 15.233 Operation within the bands 46.60—46.98 MHz and 49.66—50.0 MHz.

(b) An intentional radiator used as part of a cordless telephone system shall operate on any frequency within 10 kHz of one or more of the following frequency pairs:

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
1.....	46.610	49.670
2.....	46.630	49.845
3.....	46.670	49.860
4.....	46.710	49.770
5.....	46.730	49.875
6.....	46.770	49.830
7.....	46.830	49.890
8.....	46.870	49.930
9.....	46.930	49.990
10.....	46.970	49.970

(d) The fundamental emission shall be confined within a 20 kHz band centered on the frequencies listed in paragraph (b) of this section, as adjusted by the frequency tolerance of the transmitter at

the time testing is performed. Modulation products outside of this 20 kHz band shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. Emissions on any frequency more than 10 kHz removed from this 20 kHz band shall consist solely of unwanted emissions and shall not exceed the general radiated emission limits in § 15.209. Tests to determine compliance with these requirements shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

(e) All emissions exceeding 20 microvolts/meter at 3 meters are to be reported in the application for certification.

8. Section 15.239, paragraph (d), is corrected to read as follows:

§ 15.239 Operation in the band 88—108 MHz.

(d) A custom built telemetry intentional radiator operating in the frequency band 88—108 MHz and used for experimentation by an educational institute need not be certified provided the device complies with the standards in this Part and the educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation, providing the following information:

9. Section 15.251, paragraph (f), is corrected to read as follows:

§ 15.251 Operation within the bands 2.9—3.26 GHz, 3.267—3.332 GHz, 3.339—3.3458 GHz, and 3.358—3.6 GHz.

(f) In addition to the labelling requirements in § 15.19(a), the label attached to the AVIS transmitter shall contain a third statement regarding operational conditions, as follows:

* * * and, (3) during use this device (the antenna) may not be pointed within ± ** degrees of the horizontal plane.

The double asterisks in condition three (**) shall be replaced by the responsible party with the angular pointing restriction necessary to meet the horizontal emission limit specified in paragraph (b).

10. All of the above corrections, except for §§ 15.115 and 15.233, resolve editorial errors that occurred during publication or provide additional clarity. The correction to § 15.115 incorporates the provisions contained in the Memorandum, Opinion and Order in

Gen. Docket No. 85-301 (adopted October 13, 1988, FCC 88-331, 53 FR 46615, November 18, 1988). The correction to § 15.233 incorporates the provisions contained in the Order adopted by the Commission on November 17, 1987 (FCC 87-355, 53 FR 1781, January 22, 1988). Those provisions were omitted by error.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-18354 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-217, RM-6169, RM-6465]

Radio Broadcasting Services; Jensen Beach, Melbourne, Port St. Lucie and Vero Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document at the request of St. Lucie Radio Corporation, See, 53 FR 19964, June 1, 1988, allots Channel 267A to Port St. Lucie, Florida, as the community's first local FM service. Channel 267A can be allotted to Port St. Lucie in compliance with the Commission's minimum distance separation requirements, provided the transmitter site is restricted to 9.3 kilometers (5.8 miles) southeast of the city in order to avoid short-spacing to Station WSTF (FM), Cocoa Beach, Florida, Channel 266C. The coordinates for this allotment are North Latitude 27-13-11 and West Longitude 80-18-25. With this action, this proceeding is terminated.

DATES: Effective September 15, 1989; The window period for filing applications will open on September 18, 1989, and close on October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-217, adopted July 11, 1989, and released August 1, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service,

(202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by adding Port St. Lucie, Florida, Channel 267A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18315 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-384; RM-6102]

Radio Broadcasting Services; Fort Myers Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Justice Broadcasting-Fort Myers Beach, Inc., [See 53 FR 33155, August 30, 1988], substitutes Channel 257C2 for Channel 257A at Fort Myers Beach, Florida, and modifies its license for Station WQEZ-FM to specify operation on the higher powered channel. Channel 257C2 can be allotted to Fort Myers Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 13 kilometers (8.1 miles) west to avoid a short-spacing to a pending application for Station WEDR(FM), Channel 256C, Miami, Florida, and to a pending application for Station WQYK(FM), Channel 258C1, St. Petersburg, Florida. The restricted site coordinates for this allotment are 26-25-30 and 82-04-30. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 88-384, adopted July 11, 1989, and released August 1, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of

this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended for Fort Myers Beach, Florida, by removing Channel 257A and adding Channel 257C2.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18314 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-37; RM-6590]

Radio Broadcasting Services; Two Harbors, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 282C2 to Two Harbors, Minnesota, and modifies the construction permit for Channel 282A, to specify operation on Channel 282C2. This action is taken in response to a petition filed by Twin Ports Broadcasting, Inc. Canadian Concurrence has been obtained for the allotment of Channel 282C2 at Two Harbors. The coordinates for Channel 282C2 are 46-59-51 and 91-50-13. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-37, adopted July 11, 1989, and released August 1, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service,

(202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota is amended by revising the entry for Two Harbors, by removing Channel 282A and adding Channel 282C2.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18313 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-419; RM-6358, RM-6622]

Radio Broadcasting Services; Amarillo and Claude, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 289A to Amarillo, Texas, as that community's eighth local FM service, at the request of John A. Gay, Jr. See 53 FR 34560, September 7, 1988. In addition, this document allots Channel 239A to Claude, Texas, as that community's first local FM service at the request of Leonard S. Martinez. The channel allotments can be made in compliance with the § 73.207 of the Commission's Rules, at the communities' reference coordinates. The coordinates are 35-12-30 and 101-51-00 at Amarillo and 35-06-30 and 101-21-54 at Claude. With this action, this proceeding is terminated.

DATES: Effective September 11, 1989; The window period for filing applications will open on September 12, 1989, and close on October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-419, adopted July 13, 1989, and released July 28, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC.